

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 August 25, 2009 - 7:00 p.m.
5

6 Present: Mayor: Joe L. Johnson
7 Council Members: Beth Holbrook, John Marc Knight, R. Fred
8 Moss, Scott Myers and Thomas Tolman
9 City Manager: Tom Hardy
10 City Attorney Russell Mahan
11 City Engineer: Paul Rowland
12 City Recorder: Kim J. Coleman
13 Admin. Services Director: Galen Rasmussen
14 Planning Director: Aric Jensen
15 Department Reps: Allen Johnson, Power
16 Tom Ross, Police
17 Administrative Intern: Nathan Grover
18 Recording Secretary Nancy Lawrence
19

20 Official Notice of this meeting had been given by posting a written notice of same and an
21 Agenda at the City Hall and providing copies to the following newspapers of general circulation:
22 Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice
23 Website.
24

25 Mayor Johnson called the meeting to order at 7:00 p.m, following which Councilman
26 Knight led the pledge of allegiance to the flag. Councilman Moss offered the prayer/thought.
27

28 **APPROVAL OF MINUTES**

29 Minutes of the City Council meeting held August 11, 2009 were presented and
30 unanimously approved as written. Councilman Myers motioned for approval, Councilman
31 Tolman seconded the motion and voting was unanimous in the affirmative. Councilpersons
32 Holbrook, Knight, Moss, Myers and Tolman voted "aye".
33

34 **EXPENDITURES AND EXPENSES APPROVED**

35 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000
36 for the following periods, with respective totals: July 30, 2009 - August 5, 2009 (\$451,871.68),
37 August 6-12, 2009 (\$158,301.43) and the Summary for July, 2009 totaling \$4,140,339.54.
38 Following a brief discussion regarding several of the items, Councilman Tolman motioned to
39 approve the reports as presented. Councilman Moss seconded the motion and voting was
40 unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
41

42 **YOUTH COUNCIL REPORT**

43 Anne Holt (Youth Parks/Recreation) and Rebecca Nielson (Viewmont High School
44 Council liasion) were in attendance to report on recent activities of the Youth Council and their

1
2 upcoming events. Ms. Holt reported that the group assisted with the recent Emergency
3 Preparedness Fair and collected money to purchase food for the local food bank in conjunction
4 with the Community Service Council. Ms. Nielson said that the Youth Council will be attending
5 the Utah League of Cities and Towns (ULCT) on September 11, 2009 and will present a break-
6 out session on how to run an effective Youth Council. She also noted that Constitution Day is
7 coming up on September 17th and the Youth Council will be visiting the three high schools that
8 Bountiful students attend (Bountiful, Viewmont and Woods Cross) and pass out print-outs of the
9 constitution in the history classes.

10
11 Ms. Holt also noted that the Youth Council will participate in the Family Connection Fun
12 Run in Farmington, volunteering along the race trail handing out water and assisting the runners.

13
14 **REP. BECKY EDWARDS RECOGNIZED**

15 Mayor Johnson recognized State Representative, Becky Edwards, who was in attendance,
16 and asked her to share remarks. Rep. Edwards expressed appreciation for the City officials and
17 stated that she is visiting with City officials to affirm her support of the cities and to gather
18 information related to legislation that would assist the cities in moving forward.

19
20 **COUNCIL APPROVES BID FOR SUBSTATION TRANSFORMER**

21 Mr. Allen Johnson reported that the Load Tap Changer on the 14 MVA #1 transformer at
22 the Southeast substation failed. Based on previous experience with an identical failed
23 transformer, it was determined that it would be in the best interest of the City to purchase a new
24 transformer (rather than repair the existing one). He explained also that by increasing the
25 capacity of the transformer by 50 percent, the additional cost will be only 12 percent. The
26 increased capacity will provide the redundancy necessary to maintain power for all of the City
27 during an emergency.

28
29 Bids were requested from four vendors for a new 22.4 MVA transformer. It is the
30 recommendation of staff and the Power Commission to accept the bid from Virginia Transformer
31 (\$407,000 purchase price; \$631,405 total owning cost (TOC)). This was the low bid for both
32 categories. He explained that payments will be provided in three installments of 20 percent at
33 receipt of the purchase order, 30 percent at approval of drawings, and 50 percent at shipment.
34 This is an unbudgeted item and will need to be funded from the Future Power account. An
35 additional \$55,000 will be required to cover the expansion of the transformer pad and oil
36 retention basin, and the installation of the transformer. Mr. Johnson pointed out that the failed
37 transformer was insured, and some reimbursement may be received from the insurance company
38 to cover the cost of the failed load tap changer.

39
40 Councilman Moss reiterated that by upsizing the transformer, the redundancy will allow
41 flexibility of running the rest of the city in an outage. He motioned to approve the bid from
42 Virginia Transformer, as presented. Councilman Knight seconded the motion and voting was
43 unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
44

**COUNCIL APPROVES EXTENSION OF
TREE TRIMMING CONTRACT TO FACILITATE EXTRA CREW**

Mr. Allen reviewed that with the extra-wet spring, the tree trimming crews (one in-house and one contract–Asplundh) are having difficulty keeping up with the increased tree and vine growth. It is the recommendation of staff and the Power Commission that the tree trimming function be aggressively increased in an attempt to clear trees from municipal power lines. Asplundh was contacted and is willing to extend their existing contract (\$117.84/hour) for sixteen weeks. This will permit a third crew for sixteen weeks. Councilman Moss suggested that in addition to trimming existing trees, it would be well to educate citizens about the type of trees they plant and to encourage them to not plant trees under power lines.

Councilman Moss made a motion to extend the contract of Asplundh for the second tree trimming crew, for a total not-to-exceed amount of \$340,000. The additional crew will be funded from the department contingency fund. Councilwoman Holbrook seconded the motion which carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

**PRESENTATION ON COUNCIL-APPROVED PROGRAMS
FOR POLICE DEPARTMENT - CHIEF ROSS**

Chief Ross narrated a PowerPoint presentation which highlighted Council-approved programs which have been implemented since 2007. The purpose of the report was to report on the new programs he has implemented to determine if they were quantifiable through increased productivity, reduced costs, reduction in crime, improved employee morale or improved service to the citizens. He gave an overview of the following programs, summarizing for each the problem that needed to be addressed, solutions desired, and the results of implementing the program: (1) longevity of employees in the Communication Center; (2) quality control in the Records Division; (3) Problem Oriented Policing (“POP”) – citizen concerns related to the public perception of crime and ongoing problems including a (4) Crime Free Housing program and a (5) citizen survey and (6) four-day, ten-hour shifts for the Patrol Division.

In all cases, the programs that have been implemented have resulted in a positive result and accomplished at least some of the objectives desired. Violent crimes and property crimes are down from previous years, but robbery has increased. The Chief suggested that this is a direct reflection of the current state of the economy. Productivity by officers has increased during the time period studied. Chief Ross stated that he is pleased with the performance of the Police Department personnel, and the outcomes of the new programs (which represent ideas and effectiveness of the employees) and thanked the Mayor and Council for their support in implementing the programs.

The Mayor and Council asked questions about the effectiveness of Resource Officers in the schools and the Chief noted that this is a very positive program which allows the officers to build a rapport with students, beginning in the elementary schools, in a non-confrontational manner. The physical fitness program was also discussed and the Chief stated that if officers are physically fit, it puts them in a better position to respond to the needs of the community.

**APPROVAL GIVEN TO PURCHASE
NEW SOFTWARE - POLICE DEPARTMENT**

Mayor Johnson recognized Jonathon Wesley and Scott Lefevre, representing Fatpot Technologies (and Bountiful residents), who were in attendance to respond to questions regarding the proposed purchase of new public safety software. Chief Ross noted that this year's budget included this purchase, which was necessitated by discontinuance of upgrades for the AS400 software platform currently provided by New World Systems. He said that the market was researched and Fatpot (a local company) was selected not only because it was the low bid, but for its high performance abilities in crime analysis and its proximity.

This proposed software has been thoroughly researched and discussed by the Council during the budget process in March. Councilman Tolman made a motion to approve the purchase of the new public safety software system from Fatpot Technologies totaling \$677,000.00, included in the FY09/10 capital budget. Payment will be made in three installments. Councilman Myers seconded the motion which carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

**COUNCIL APPROVES 10-YEAR CAPITAL
IMPROVEMENT PLAN**

Mr. Hardy presented the Capital Improvement Plan for fiscal years 2010 to 2019, noting that of the \$90 million, a large part is the proposed turbines which will be added to the Power Department. Other significant expenditures will be for repair and replacement of infra structure as the City ages. He noted that as capital expenditures are approved in each budget year, there may be deviations from this plan, and emphasized that the purpose of the 10-year plan is to provide a road map of where improvements will be made. Councilman Tolman pointed out that there is no provision for additional land for the cemetery and Mr. Hardy said that the owner of the property contiguous to the cemetery has given the City a first right of refusal, but currently is not willing to sell. Councilman Tolman made a motion to adopt as a guideline the 10-year Capital Improvement Plan, totaling \$91,332,507.00. Councilwoman Holbrook seconded the motion which carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

ELECTION JUDGES/PAY APPROVED

Mr. Coleman reviewed that many election laws have changed and precincts have been realigned. He explained the process of selecting judges and the fact that an effort is made to use the same judges for both the City and County/State/Federal elections, as it significantly reduces the time spent finding judges and gives experienced judges from year to year. In addition to the regular judges, the use of counting judges in some precincts is being recommended this election year due to the large size of some of the consolidated precincts.

He presented a list of proposed judges for approval and recommended that the regular judges be paid \$125 per day, head judges \$135/day, and counting judges \$10/hour worked. Of the \$20,000 budgeted for elections, he said that the bulk of this amount goes to the judges. In response to a question from Councilman Knight, Mr. Coleman stated that the venues (schools) are donated without charge as polling places, with custodians providing volunteer services in

1 setting up and taking down the booths. Councilman Knight made a motion to approve the
2 election judges and their pay, as presented. Councilman Moss seconded the motion and voting
3 was unanimous.
4

5 **PUBLIC HEARING TO CONSIDER ORDINANCE NO. 2009-06**

6 **RE: TITLE 14 - LAND USE ORDINANCE**

7 Mr. Jensen reported that John Smith, representing J&F Family Holding, Inc. has
8 requested an amendment to title 14, chapter 5, to include Assisted Living facilities as a permitted
9 use. The basis of the petition is that J&F Family Holding would like to develop an assisted
10 living facility on approximately 4+ acres of land that they own east of the Silvercreek
11 Commercial project currently under construction. This property is zoned RM-13, which
12 currently doesn't allow assisted living facilities. He noted that any change to the ordinance will
13 also be applicable to all other properties within the Multi-Family Residential (RM) zone.
14 Following an extensive study and review by the staff and Planning Commission, it is their
15 recommendation to amend the ordinance to allow Independent Living Centers and Assisted
16 Living Centers as conditional uses on properties at least two (2) acres in size.
17

18 The Mayor opened the public hearing to consider this request at 8:25 p.m. Greg Schmidt,
19 working with the Smiths to construct this facility, reviewed the points of support of this request
20 and commended the staff for their efforts in working with him. Curtis Phipps, Bountiful resident
21 and developer, asked for clarification of the Silvercreek development and expressed concern that
22 the City would be losing commercial property (and accompanying tax revenues), by changing the
23 zoning. This matter was discussed and it was clarified that the property involved in the rezone is
24 a very small portion of the total project. Mr. Mahan also noted that the subject property is
25 already mutli-family – and that there would be no loss of commercial tax base. The public
26 hearing was closed at 8:35 p.m.
27

28 Following a brief discussion, Councilwoman Holbrook made a motion to adopt
29 Ordinance No. 2009-06 entitled AN ORDINANCE AMENDING CHAPTER 5 (MULTI-FAMILY
30 RESIDENTIAL ZONE) OF TITLE 14, THE BOUNTIFUL CITY LAND USE ORDINANCE. Councilman
31 Myers seconded the motion which carried unanimously. Councilpersons Holbrook, Knight,
32 Moss, Myers and Tolman voted “aye”.
33

34 **COUNCIL APPROVES ORD. NO. 2009-07; VACATE**

35 **PHIPPS CONDO PLAT**

36 Mr. Rowland reviewed the request of Bryan Phipps, owner of a two-unit condominium
37 development at approximately 150 East 400 North, to have the condominium plat be vacated
38 such that the two units located there would be held under one ownership. The reason for this
39 requested change is that Mr. Phipps cannot obtain financing for the condominiums; but could get
40 the financing if they are under one owner. He reported that it is the staff recommendation to
41 approve Ordinance No. 2009-07 entitled AN ORDINANCE VACATING THE PHIPPS CONDOMINIUM
42 SUBDIVISION IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON.
43 He noted that no public hearing is required as Mr. Phipps owns all of the units in the plat and the
44 Planning commission is not required to review it and submit a recommendation.
45

46 Mr. Jensen did point out that the City will want to have a separate utility easement along
47 the north and south sides of the property. Mr. Phipps was in attendance and explained the reason

1 for this request, following which Councilwoman Holbrook made a motion to approve Ordinance
2 No. 2009-07, as presented. Councilman Moss seconded the motion and voting was unanimous.
3 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
4

5 **COUNCIL APPROVES METES AND BOUNDS SUBDIVISION**
6 **AT 250 AND 260 EAST 400 NORTH**

7 Mr. Jensen reviewed that Emmanuel Shanthakamur and Stanford Andrews are owners of
8 the subject property for which a metes and bounds subdivision request is being made. When they
9 purchased the property, they were unaware that it had been illegally subdivided by Dan Wight
10 (unintentionally). Mr. Jensen summarized the ensuing events, which have culminated in a
11 review by the Planning Commission and a recommendation by that body, together with staff, that
12 variances be granted and the metes and bounds subdivision approved, based on the following
13 findings and conditions:

- 14 1) The Planning Commission granted the necessary variances on August 18th such that
15 the Council can approve this subdivision.
- 16 2) The appropriate legal deeds shall be created and recorded in accordance with the
17 boundaries of the two parcels shown on the Hill and Argyle survey (Parcel A
18 containing all five apartment units, and Parcel B containing the single home).
- 19 3) The fence between the rear of the single home and the north side of the apartments
20 shall be relocated in accordance with the new property line shown on the Hill and
21 Argyle survey.

22 Councilman Moss made a motion to approve the metes and bounds subdivision for 250
23 East and 260 East 400 North, as presented. Councilwoman Holbrook seconded the motion and
24 voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted
25 "aye".
26

27 **COUNCIL COMMITTEE REPORTS**

28 Councilwoman Holbrook reviewed that August 14th was the last summer concert (Endless
29 Summer) and it was a great success.
30

31 Councilman Tolman announced that the Family Connection Center will have their annual
32 Fun Run on September 5 at the Buffalo Ranch in Farmington. He encouraged participation in
33 this family event.
34

35 Councilman Knight asked if there had been a resolution regarding the high school use of
36 the golf course. Mr. Hardy indicated that he will follow up on this with a report at a later time.
37

38 The meeting adjourned at 8:52 p.m. on a motion made by Councilman Tolman and
39 seconded by Councilwoman Holbrook. Voting was unanimous with Councilpersons Holbrook,
40 Knight, Moss, Myers and Tolman voting "aye".
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43

44 _____
45 JOE L. JOHNSON, Mayor

46 _____
47 KIM J. COLEMAN, City Recorder

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